



US Army Corps  
of Engineers®

# Public Notice

Public Notice No. 07-68

Date: August 1, 2007

Nashville District

Application No. 200602640 Expires: August 31, 2007

Please address all comments to: Regulatory Branch, 3701 Bell  
Road, Nashville, TN 37214-2660; ATTN: J. Ruben Hernandez

JOINT PUBLIC NOTICE  
US ARMY CORPS OF ENGINEERS  
AND  
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Stream Encapsulations at Unnamed Tributaries to  
the West Prong Little Pigeon River, in Pigeon Forge, Sevier  
County, Tennessee

TO ALL CONCERNED: The application described below has been  
submitted for a Department of the Army Permit pursuant to **Section  
404 of the Clean Water Act (33 USC 1344) and Tennessee Valley  
Authority permit pursuant to Section 26a of the TVA Act (16 USC  
831y-1)**. Before a permit can be issued, certification must be  
provided by the State of Tennessee, Division of Water Pollution  
Control, pursuant to Section 401(a)(1) of the CWA, that applicable  
water quality standards will not be violated. The applicant has  
applied for the State certification by separate application  
(NRS 06-250).

APPLICANT: Pigeon Falls, LLC  
997 West Kennedy Blvd., Suite 25A  
Orlando, Florida 32810

LOCATION: Unnamed tributaries to the West Prong Little Pigeon  
River, in Pigeon Forge, Sevier County, Tennessee, Lat 35.8039N,  
Lon 83.5640W, USGS Pigeon Forge Topographic Quadrangle.

DESCRIPTION: The applicant proposes to construct a commercial  
development known as Pigeon Falls Village (PFV) on an 85-acre  
tract located north-northeast of the Jake Thomas Road and Teaster  
Lane intersection. The proposed development would include hotels,  
retail space, recreational attractions, a residential development,  
a parking garage, and a water feature mimicking a natural stream  
system.

Approximately 3,347' of impacts to two intermittent/perennial (one  
stream includes 272' of ephemeral channel) unnamed tributaries to  
the West Prong Little Pigeon River would result from the proposed  
development. Both tributaries originate on the property as narrow  
shallow channels with scattered herbaceous and hardwood riparian

zones. Stream A is located on the property's western side and measures 1,189' (892' intermittent/perennial and 297' ephemeral). Only 835' of intermittent/perennial channel would be impacted by PFV. The remaining 57' of intermittent/perennial and 297' of ephemeral channels in the upstream portion is to be impacted by the City of Pigeon Forge Road projects (Pigeon Falls Lane). The average channel width and depth is 2-3' and 1.5-2', respectively, with water depths less than 2". Pools, riffles, and point bars, were not visible in the upper portions of the tributary. Macroinvertebrate life was observed. A small pond of 0.41 acres discharges to the south into a stream channel (Stream A-1) of 577' (237' on the subject site and 340' on the Teaster Lane R.O.W.). Stream B is located on the eastern side and measures 2,275' (2,003' intermittent/perennial and 272' ephemeral). The average channel width and depth is 2-3' and 1.5-4', respectively, while flow depths are less than 2". Macroinvertebrates were also found in this stream.

In areas where fill material is to be placed over the existing channel, french drains and pipe would be used in the channel to collect the subsurface seeps and springs. An impermeable layer would be constructed over the french drain and pipe to separate the subsurface flow from the proposed development. The water collected in the french drain would be discharged in the existing channels at the property boundaries.

Alternatives. The applicant considered alternative development schemes to avoid or minimize impacts to the stream channels. The applicant deemed these alternatives unacceptable for several reasons including the following:

1. The physical location of the streams and the manner in which they traverse the property make it impossible for the proposed development to avoid.
2. Due to the topography the proposed cuts and fills and the final grades necessary for development would not allow preservation of the current channel gradients.
3. Available acreage that meets the needs for retail/commercial development in the general vicinity is limited. Taking into consideration location, infrastructure benefits and transportation needs, a comparable site is not available in the Pigeon Forge area.

Mitigation. Suitable mitigation sites in the area were not identified during a search by the applicant; therefore, the applicant proposes compensatory stream mitigation for impacts to

3,075' of stream by payment of \$200/linear foot to the Tennessee Stream Mitigation Program.

In addition, the applicant would incorporate, to the extent practicable, consideration of Leadership in Energy and Environmental Design (LEED) principles. An important water quality feature of the proposed development would be the construction of a closed-loop, biologically filtered waterfall and stream system on the eastern side of the property. In addition to the habitat this feature would provide, the stream system would be underlain by a vertically isolated collection system designed to provide treatment to and reduction of runoff volume from the site. Other onsite water quality treatment options include pervious pavement in pedestrian and vehicular traffic areas, green roofs, storm water vaults, bioswales, rain gardens, infiltration chambers, water quality structures, rain barrels and/or cisterns.

**ADDITIONAL PROPOSED AREA DEVELOPMENT:** By separate public notices we are advertising additional projects planned for the Pigeon Forge area. Information on these projects may be obtained by visiting: <http://www.lrn.usace.army.mil/cof/notices.htm>

*Pigeon Falls Lane:* The City of Pigeon Forge proposes the construction of a roadway to alleviate regional traffic problems. (Public Notice 07-67, File 200600583)

*Teaster Lane/Jake Thomas Road Improvements and Parking Area:* The City of Pigeon Forge proposes to extend Jake Thomas Road, widen Teaster Lane, expand the intersection at Teaster Lane and Jake Thomas Road, and create a regional parking facility as part of its regional road plan to address traffic problems in Pigeon Forge. (Public Notice 07-69, File 200701556)

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property

ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

A Phase I archaeological survey was completed by DuVall & Associates, Inc., in 2004. The report entitled: *A Phase I Archaeological Survey of the Proposed Riverwalk Park Development (Management Area A: Uplands) Along Teaster Lane in Pigeon Forge, Sevier County, Tennessee*, documents that no archaeological sites or historic properties were identified on the development site. The Corps agrees with this conclusion and through this notice is requesting concurrence from the Tennessee Historical Commission. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect

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determination, and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

b. Water quality certification from the State of Tennessee in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before August 31, 2007, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: J. Ruben Hernandez, at the above address, telephone (615) 369-7519. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Ms. Karen Stewart, Holston-Cherokee-Douglas Watershed Team, 3726 E. Morris Boulevard, Morristown, Tennessee 37813-1270.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at:

<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Hernandez at the above address or phone number.



PIGEON FALLS, LLC  
FILE NO. 200602640  
PN NO. 07-68  
EXHIBIT A

Topo Name: Pigeon Forge, TN	Scale: 1" = 1500'
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Topo Date: 1956

Topo Revision: 1970

**Contour Interval: 20 feet**

Scale: 1" = 1500'

**Checked By: EMP**

Drawn By: BD

Date: 06/10/05



**Site Vicinity Map  
Pigeon Falls Property  
Development  
Pigeon Forge, Tennessee**

Figure

1



**PIGEON FORGE ADDENDUM**

**FIGURE 7**

PIGEON FALLS, LLC  
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EXHIBIT B

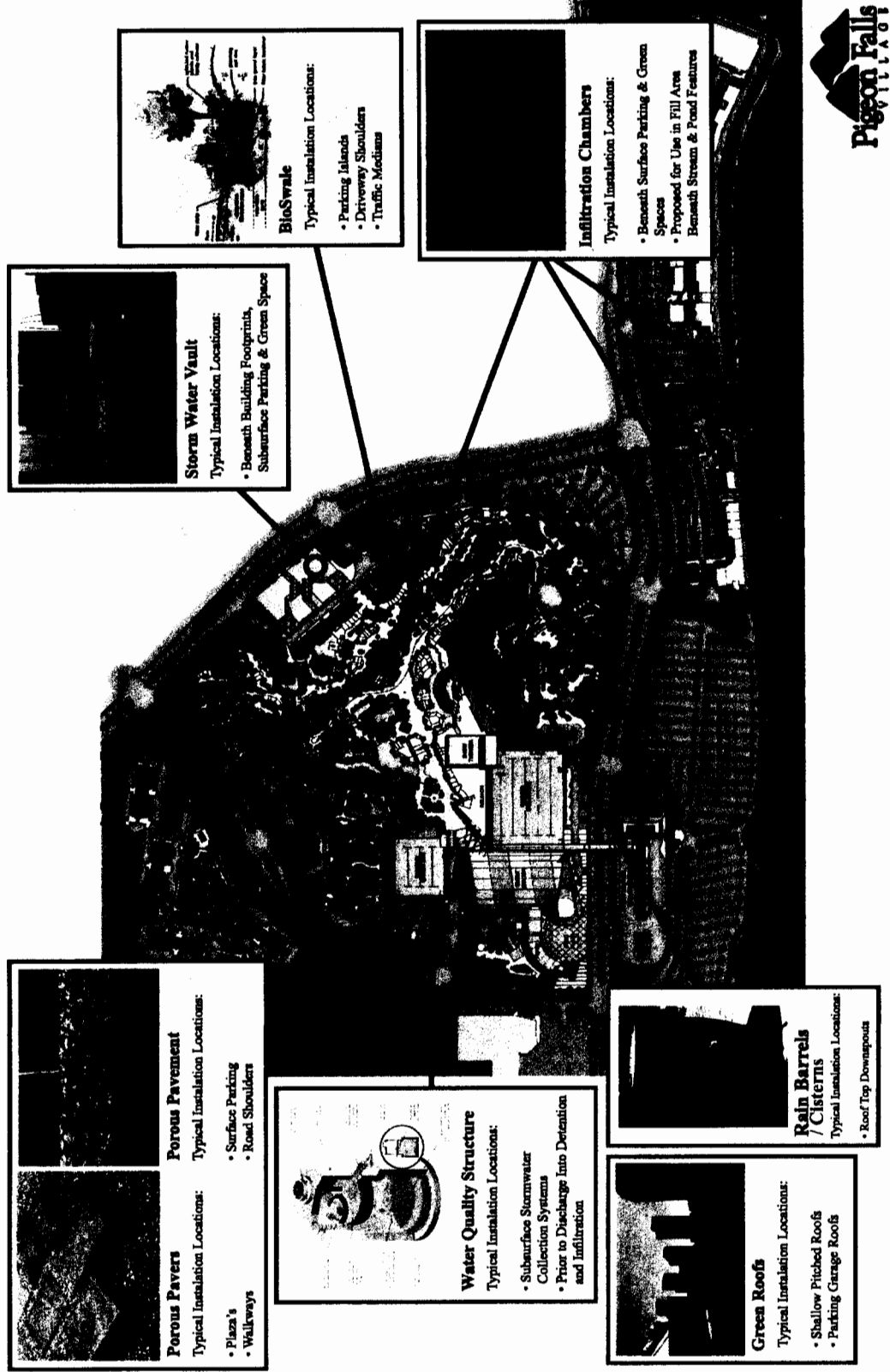




PIGEON FALLS, LLC  
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 EXHIBIT C

<p><b>SS&amp;ME</b></p> <p>1425 Poplar Road, Nashville, TN 37203          Phone: 615.259.1234 Fax: 615.259.1235</p>	<p><b>Feature Location Map</b></p> <p><b>Pigeon Falls</b></p> <p>Pigeon Forge, TN</p>	<table border="1"> <tr> <th data-bbox="1204 136 1236 241">REVISIONS</th><th data-bbox="1204 136 1236 241">DATE</th><th data-bbox="1204 136 1236 241">BY</th></tr> <tr> <td data-bbox="1173 136 1204 241">1</td><td data-bbox="1141 136 1173 241">07/07/08</td><td data-bbox="1109 136 1141 241">JMS</td></tr> <tr> <td data-bbox="1173 136 1204 241">2</td><td data-bbox="1141 136 1173 241">07/07/08</td><td data-bbox="1109 136 1141 241">JMS</td></tr> <tr> <td data-bbox="1173 136 1204 241">3</td><td data-bbox="1141 136 1173 241">07/07/08</td><td data-bbox="1109 136 1141 241">JMS</td></tr> </table> <p>DATE: 11/02/08          CHECKED BY: JMS          PLOT: 10044838</p>	REVISIONS	DATE	BY	1	07/07/08	JMS	2	07/07/08	JMS	3	07/07/08	JMS
REVISIONS	DATE	BY												
1	07/07/08	JMS												
2	07/07/08	JMS												
3	07/07/08	JMS												





**PIGEON FORGE ADDENDUM  
FIGURE 6**